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TOWNSEND and TOWNSEND and CREW LLP

By Jennifer K. Hardin
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PATENT

Attorney Docket No. 018512-000120US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Salkoff *et al.*

Application No.: 09/176,664

Filed: October 21, 1998

For: **pH SENSITIVE POTASSIUM CHANNEL IN SPERMATOCYTES**

Examiner: Nirmal S. Basi

Art Unit: 1646

RESPONSE TO RESTRICTION
REQUIREMENT

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Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Restriction Requirement mailed December 17, 1999 (January 17, 2000 was a federal holiday), Applicants elect to prosecute Group II, claims 1-16 and 26-27, drawn to isolated nucleic acids encoding Slo3 polypeptides.

The foregoing election is made with traverse, as the seven groups set forth by the Examiner all stem from a common concept and theory, and are thus related. As such, prosecution of the claims of Groups I-VII would not place a substantially greater burden on the Examiner. Applicants therefore respectfully request that the Examiner withdraw the Restriction Requirement and consider all the claims together.

In particular, Applicants note that the nucleic acid products of Group II can be used in the screening methods of Group IV, contrary to the statement on page 5, lines 1-3 of the

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Restriction Requirement. The nucleic acids of the invention are used, e.g., to express Slo3 polypeptides in recombinant cells, which are contacted with possible modulatory compounds in the screening methods of the invention. As the Restriction Requirement does not provide a materially different, alternative use for the products and methods, Applicants request rejoinder of Groups II and IV pursuant to MPEP § 806.05(h).

If the Examiner has any questions regarding Applicants' election, or if the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (415)576-0200.



Respectfully submitted,

A handwritten signature in cursive script that reads "Annette S. Parent".

Annette S. Parent
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